

Honorable Samuel J. Steiner
Chapter 7
Hearing Date: December 2, 2005
Hearing Time: 9:30 a.m.
Hearing Location: Courtroom 8206
Response Date: December 2, 2005

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re

STEPHEN H. FISHBURN and
LISA K. FISHBURN,

Debtors.

No. 04-23129-SJS

DEBTOR'S MOTION TO VACATE
DISCHARGE AS TO AMERIQUEST
MORTGAGE FOR THE PURPOSES OF
ALLOWING A REAFFIRMATION

Debtors Stephen and Lisa Fishburn, by and through their attorneys, Crocker Kuno Ostrovsky LLC, move this court pursuant to FRCP 60(b) for an order vacating the discharge as to Ameriquest Mortgage to allow the Debtors an opportunity to approve a reaffirmation.

Ameriquest Mortgage has not provided monthly statements to the Debtors since the filing of their bankruptcy petition on October 8, 2004. Subsequently the Debtors are not receiving credit for their mortgage payments on their credit report. The Debtors did not intend for the bankruptcy to affect their mortgage in any way and desire to place Ameriquest Mortgage in the same position as it was prior to the bankruptcy filing. The Debtors have been fully advised of the consequences of signing a reaffirmation on their mortgage and have

1 declined to follow the advice of their attorneys. At this time, the Debtors ask the court for the
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3 opportunity to vacate the discharge of Ameriquest Mortgage for the sole purpose of allowing
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5 the court to approve a reaffirmation agreement filed on October 14, 2005. If the court does
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7 not approve the filed reaffirmation, the Debtors request that the court not vacate the discharge.
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10 DATED this 8th day of November, 2005.
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13 CROCKER KUNO OSTROVSKY LLC
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16 By /s/ Christina Latta
17 Christina Latta, WSBA #31273
18 Attorneys for Debtors
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